

REMARKS/ARGUMENTS

Applicant thanks the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention. Applicants respectfully submit that the present application is in a condition for allowance in view of the following remarks.

Interview Summary


Applicant also thanks the Examiner and his Supervisor for their time in conducting the personal interview conducted at the U.S. Patent and Trademark Office on June 19, 2008. A specimen embodying the claimed invention was examined and discussed to clarify the location of the axis of rotation and the movement of the cutting head relative to the axis in view of the claims. During the interview, the Examiner suggested clarifying amendments to the orientation of the axis of rotation, as well as the rotation of the cutting head relative to this axis.

Claim Rejections – 35 U.S.C. § 112, First Paragraph

Claims 1 and 32 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. Specifically, the Office action explains that one of ordinary skill in the art would not be enabled by the specification to practice the claimed limitation of the cutting head being rotatable relative to the handle in one direction or another direction relative to the rotational axis. Accordingly, Applicant has amended claims 1 and 32 to clarify the rotation of the cutting head relative to the axis of rotation.

In view of the amendments herein, Applicant respectfully submits that one of ordinary skill in the art would be enabled by the specification and drawings to practice the invention now recited in claims 1 and 32. As amended, claim 1 now clearly recites that “the cutter means is movable between the substantially horizontal position and the substantially vertical position by an effective rotation of the cutting head about the axis of rotation to *a position* corresponding to a 120° rotation of the cutting head in one direction about the axis of rotation.” Thus, adjusting the

cutter means between the substantially horizontal and substantially vertical positions can include a rotation of the cutter head 120° on one direction about the axis of rotation, or 240° in the other, opposite direction about the axis of rotation to arrive at the same claimed position. Regardless of the direction in which the cutter head is rotated about the axis, the cutter head is adjusted to the same position, which corresponds to a position the cutting head would be in if rotated 120° about the axis of rotation from either the substantially horizontal position or the substantially vertical position to the other.

The directions in which the cutting head can be rotated between the substantially horizontal and vertical positions about the axis of rotation A in Figure 4 are clearly indicated by the arrow “” partially encircling the axis of rotation A. One of ordinary skill in the art would clearly be enabled to adjust the cutting head a suitable extent in either direction about the axis of rotation to arrive at the claimed position corresponding to a 120° rotation of the cutting head about the axis of rotation from the other position. Accordingly, Applicant respectfully submits that claims 1 and 32, as amended, are in full compliance with the enablement requirement of 35 U.S.C. §112, first paragraph.

Claim Rejections – 35 U.S.C. § 112, Second Paragraph

Claims 1, 21, 32 and 33 also stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Again, Applicant has amended claims 1 and 32 to clarify that it does not matter which direction the cutting head is rotated about the axis of rotation to adjust the cutting means between the substantially horizontal and substantially vertical positions. Further, as discussed during the interview, Applicant has also clarified the orientation of the axis of rotation.

As amended, claims 1 and 32 now clearly recite that the cutting head is rotated to *a position* corresponding to an approximate 120° rotation of the cutting head about the axis of rotation to adjust the cutter means between the substantially horizontal and substantially vertical positions. Rotation of the cutting head in any particular direction about the axis of rotation is not required by claims 1 and 32. Accordingly, Applicant respectfully submits that any confusion

possibly caused by the previous claim language has been rendered moot by the amendments made herein.

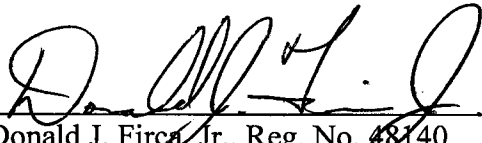
Applicant has also amended claims 21 and 33 to provide the claimed orientation of the axis of rotation with a suitable point of reference. Accordingly, Applicant respectfully submits that claims 1, 21, 32 and 33 fully comply with 35 U.S.C. §112, second paragraph.

The remaining claims in the present application, specifically claims 2, 19-21, 32 and 33, are allowable for the limitations therein and for the limitations of the claims from which they depend.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, referencing our Order No. W&R-36246.

Respectfully submitted,
PEARNE & GORDON, LLP

By: 
Donald J. Firca, Jr., Reg. No. 48140

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: July 18, 2008